

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-10 are pending, of which claim 1 is independent.

Applicant also thanks the Examiner for reconsidering the rejections of the claims and permitting Applicant's representative the opportunity to conduct a personal interview after the Examiner has received this reply. Accordingly, it would be appreciated if the Examiner would telephone Applicant's representative to schedule a convenient time for the interview.

Rejections under 35 U.S.C. §103(a)

Claims 1 and 7-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,596,346 to Leone et al. (hereinafter "Leone") in view of U.S. Patent No. 6,295,388 to Stokes et al. (hereinafter "Stokes"). Claims 2-5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Leone in view of Stokes and further in view of U.S. Patent No. 5,420,699 to Yamanouchi et al. (hereinafter "Yamanouchi"). Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Leone in view of Stokes, Yamanouchi, and U.S. Patent No. 6,407,777 to DeLuca. Applicant respectfully traverses these rejections.

For a Section 103 rejection to be valid, a *prima facie* case of obviousness must be established. See *M.P.E.P.* 2142. One requirement to establish a *prima facie* case of obviousness is that when combined, the cited references must teach or suggest all claim limitations. See *M.P.E.P.* 2142; *M.P.E.P.* 706.02(j). Thus, if the cited references fail to teach or suggest one or more recited features, the rejection is improper and must be withdrawn.

As discussed extensively heretofore, Leone, the primary reference, fails to teach or suggest each and every feature of the presently claimed invention as set forth in independent claim 1, and the secondary references fail to cure the deficiencies of Leone as a primary reference.

Applicant disagrees with the Examiner's representation on page 6 of the Office Action that Leone allegedly discloses that an image is displayed at low resolution when first loaded into a display and at high resolution when the display zooms in on a particular area. These particular characterizations of high and low resolution images are incorrect. In fact, Leone fails to teach or suggest anything about low or high resolution.

According to Leone, a photograph or image is scanned to receive a first resolution, which is never categorized as being "low" or "high". Leone never uses the terms "high resolution" or "maximum

resolution" as alleged in the Office Action. Accordingly, Leone fails as a primary reference.

Additionally, the scanned image is stored and then subsampled and displayed; see column 5, lines 6-9, and claim 1(b). Leone subsamples the original source image to allow it to "fit" into a CRT display area and supersamples the image data if a zoom-in is performed.

Stokes states in column 1, line 16, that usually low resolution images are scanned. It is respectfully submitted that a low resolution image is scanned in Leone. In fact, Leone then takes this low resolution image and subsamples it, and creates an even lower resolution image data, which is referred to as "supersampling". Supersampling inherently involves a lower resolution than subsampling. It, therefore, follows that the supersampled image data described by Leone is at an even lower resolution than the subsampled image data.

As a result, Leone never creates high resolution image data. Leone only discloses a scaled-down version of the image and a super-scaled-down version, similar to the low resolution image.

Clearly, the Examiner has inadvertently confused the meaning of "high" and "low" resolution image data. These are not just relative terms. High resolution means full resolution, which is normally

used for printing a final product. In a high resolution image, details can be seen that are not visible in a low resolution image. As a result, operations performed on low resolution images cannot be accurately previewed. This point is emphasized in Stokes, at column 1, lines 24-39.

To equate the scanned, subsampled, and supersampled image data described by Leone with low and high resolution data is simply incorrect. According to the Examiner, Leone scans image data in at high resolution. However, there is no mention of this term in Leone. In fact, it is never used, and scanning is almost always effected at low resolution. Leone only subsamples prior to displaying, which signifies displaying at a lower resolution (see FIG. 4, elements 64 and 76). The Examiner has failed to show where Leone displays a region designated at high resolution before or after the region is processed by the red eye correction means. Applicant submits that high or full resolution is never displayed in Leone.

As for Stokes, although Stokes defines differences between low and high resolution image data, this reference is only concerned with performing a quality check on a scanned image. In other words, no type of quality or red eye correction is disclosed in Stokes. Stokes only allows a selected portion of a scanned image to be

subsequently scanned at high resolution so that the quality of the image can be checked. The system of Stokes allows a user to prematurely terminate this high resolution scan, if desired.

The Examiner appears to rely on Stokes to teach the claimed designation means. However, Stokes is silent as to how selected portions are selected. The Examiner somehow equates the selection of Stokes with the click-and-drag method, but there is no disclosure in Stokes to support this bald assumption by the Examiner.

As mentioned earlier, it is believed that the Examiner's cancellation of the interview scheduled for Tuesday, July 8, 2003, should be rescheduled to advance the prosecution of the present application if, upon reviewing this Request for Reconsideration, the Examiner still needs to reconsider the alleged combinations.

In view of the foregoing, it is respectfully submitted that the cited references, taken alone or in any combination, fail to disclose or render obvious the presently claimed invention, and reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested. Independent claim 1 is believed to be allowable. Since the remaining claims depend directly or indirectly from allowable independent claim 1, they should also be allowable for at least the reasons set forth above, as well as for

the additional limitations provided thereby. Therefore, all pending claims should be in allowable.

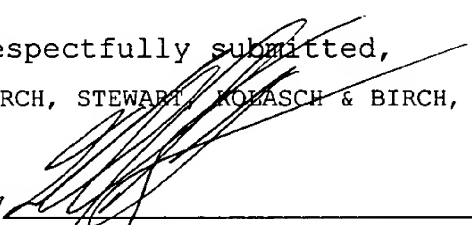
CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

Should any issues remain, however, the Examiner is invited to telephone Daniel K. Dorsey (Reg. No. 32,520) at (703) 205-8000 in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
BIRCH, STEWART, ROBASCH & BIRCH, LLP

By 
Michael K. Mutter
Reg. No. 29,680

1110-212P

MKM:DKD:rk

DKD

P. O. Box 747 -
Falls Church, VA 22040-0747
(703) 205-8000



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JUL 09 2003

Examiner: B. Genco

LARGE-ENTITY TRANSMITTAL FORM

July 8, 2003

Sir:

Transmitted herewith is a REQUEST FOR RECONSIDERATION in the above-identified application.

- ☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. §1.8.
- ☐ The enclosed document is being transmitted via facsimile.

The fee has been calculated as shown below:

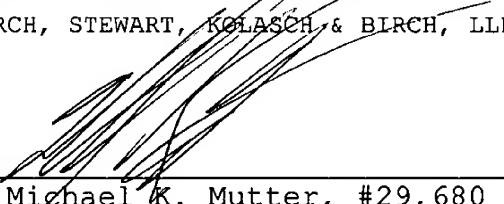
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL	10	-	20	=	0	\$ 18	\$0.00
INDEPENDENT	1	-	3	=	0	\$ 84	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM						\$280	\$0.00
						TOTAL	\$0.00

Serial No. 09/209,751
Docket No. 1110-212P

- ☐ Petition for () month(s) extension of time pursuant to 37 C.F.R. §§1.17 and 1.136(a). \$0.00 for the extension of time.
- ☒ No fee is required.
- ☐ Check(s) in the amount of \$0.00 is(are) enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. This form is submitted in triplicate.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. \$1.16 or under 37 C.F.R. \$1.17, particularly extension of time fees.

Respectfully submitted,
BIRCH, STEWART, KOLASCH, & BIRCH, LLP

By 
Michael K. Mutter, #29,680

1110-212P

MKM:DKD:rk

PKD

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000